

REMARKS

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Applicants respectfully request entry of this response, as the response places the application in clear condition for allowance or alternatively places the claims in better form for appeal. Specifically, Applicants have amended the claims to overcome an outstanding rejection and to place the claims in condition for allowance.

Claims 1, 5-9, and 13-24 are currently pending in the application. Claims 1, 5-9, and 13-20 have been amended, Claims 2-4 and 10-12 have been canceled without prejudice or disclaimer, and new dependent Claims 21-24 have been added. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.¹

In the Office Action Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,076,767 to Farley et al. (Farley) in view of U.S. Patent No. 1,987,050 to Burnelli, U.S. Patent No. 5,542,625 to Burhans, Jr. et al. (Burhans), and U.S. Patent No. 4,457,479 to Daude. Applicants respectfully assert that the amendments to the claims have overcome the rejection for the following reasons.

The present invention is directed to methods of controlling a landing guide path of an aircraft (e.g., as recited in independent Claims 1 and 13), as well as methods of steepening a landing guide path of an aircraft (e.g., as recited in independent Claim 9). Independent Claims 1 and 9 recite, in relevant part, rotating a pivotable member connected to a fixed member through a hinge member. The pivotable member and the fixed member extend from the hinge member only in a same direction. Independent Claim 13 recites a fixed member

¹ Applicants respectfully assert that support for the changes to independent Claims 1, 9, and 13 is provided, in part, by original Claims 2-4 and 10-12, as well as page 9, lines 14-16, of the originally filed specification, and original Figure 3.

connected to a pivotable member through a pivot, the fixed member and the pivotable member extending from the pivot only in a same direction.

As discussed above, the Office Action relies on a combination of Farley, Burnelli, Burhans, and Daude to reject the claims. Applicants respectfully assert that MPEP § 2143.01 requires that obviousness can only be established by combining prior art teachings to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill, and that neither the fact that the references can be so-combined nor that fact that the combination would have been within the ordinary skill in the art is sufficient to establish obviousness. In this case, Applicants respectfully assert that the Office Action does not state any teaching, suggestion, or motivation at all to provide the features recited in the claims. Thus, Applicants respectfully assert that maintaining the rejection of the claims would be contrary to the requirements of MPEP § 2143.01.

Notwithstanding the above discussion, to further the prosecution of the application, Applicants have amended the claims to recite additional features that are not taught or suggested by a combination of Farley, Burnelli, Burhans, and Daude. Specifically, Applicants respectfully assert that independent Claims 1, 9, and 13 recite the novel and unobvious features of a pivotable member connected to a fixed member through a hinge member or pivot, the pivotable member and the fixed member extending from the hinge member or pivot only in a same direction.

Applicants respectfully assert that the Office Action does not appear to rely on any of Farley, Burhans, and Daude to teach or suggest the claimed features of a pivotable member and a fixed member. Rather, the Office Action appears to rely on Burnelli to teach a pivotable member and a fixed member.

Burnelli is directed to a tailless airplane. As shown in Figure 3, for example, of Burnelli, a vertical rudder 14 for lateral control is mounted on a vertical stabilizer 13 by an undescribed pivot.² Thus, Applicants respectfully assert that Burnelli at most show the vertical rudder 14 and the vertical stabilizer 13 extending from the pivot in opposite directions. Therefore, Applicants respectfully assert that Burnelli cannot provide the advantages of a compact control member in which the pivotable and fixed members can be disposed along side one another, as can be provided by the claimed features recited in independent Claims 1, 9, and 13.

For the reasons discussed above, Applicants respectfully assert that Farley, Burnelli, Burhans, and Daude, whether taken alone or in combination, do not teach or suggest the claimed features recited in independent Claims 1, 9, and 13. Therefore, Applicants respectfully request that the rejection of independent Claims 1, 9, and 13 under 35 U.S.C. § 103(a) be withdrawn, and respectfully request the allowance of independent Claims 1, 9, and 13.

Applicants respectfully assert that Claims 5-8 and 14-24 are allowable for the same reasons as independent Claims 1, 9, and 13 from which they depend, as well as for their own features. Thus, Applicants respectfully request the allowance of dependent Claims 5-8 and 14-24.

Notwithstanding the above discussion, Applicants respectfully assert that the claims recite further features that are not taught or suggested by the applied reference. By way of specific non-limiting examples, Applicants respectfully assert that the following dependent claims recite the following novel and unobvious features: in Claim 17, rotating pivotable members in a manner synchronized with one another; in Claim 18, rotating pivotable members in a manner symmetrical with one another; in Claim 19, rotating pivotable members

² Column 2, lines 37-40, of Burnelli.

independent of one another; and in Claim 20, rotating pivotable members independent of adjusting of control surfaces.

As discussed above, Applicants respectfully assert that MPEP § 2143.01 requires that obviousness can only be established by modifying prior art teachings to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill, and that neither the fact that the references can be so-modified nor that fact that the modification would have been within the ordinary skill in the art is sufficient to establish obviousness. In this case, Applicants respectfully assert that the Office Action does not provide the required teaching, suggestion, or motivation, but rather relies on broad assertions that “one skilled in the art would have made the aerodynamic components rotate in any manner” and “adjustment of control surfaces independently of each other is obvious to one skilled in the art,”³ contrary to the requirements of MPEP § 2143.01. Thus, Applicants respectfully assert that the foregoing provides an alternate basis for the indication of allowable subject matter in dependent Claims 17-20.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 5-9, and 13-24 is earnestly solicited.

³ Page 3, lines 10-14, of the Office Action.

Application No. 10/713,160
Reply to Office Action of December 23, 2004

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

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